

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SCOTT BAILEY ANDERSON,

Plaintiff,

v.

JAMES JOLLY, et al.,

Defendant.

CASE NO. C15-5286 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 5), and Plaintiff Scott Bailey Anderson’s (“Anderson”) objections to the R&R (Dkt. 6).

On May 4, 2015, Anderson filed a motion to proceed *in forma pauperis* and a proposed complaint. Dkt. 1. On May 11, 2015, Judge Creatura issued the R&R recommending that the Court deny Anderson’s motion because Anderson failed to disclose all of his prior litigation history in his application. Dkt. 5. On May 20, 2015, Anderson filed objections (Dkt. 6) and a supplement to the objections (Dkt. 7). On May 26, 2015, Anderson filed another supplement to the objections. Dkt. 8.

1 The district judge must determine de novo any part of the magistrate judge's  
2 disposition that has been properly objected to. The district judge may accept, reject, or  
3 modify the recommended disposition; receive further evidence; or return the matter to the  
4 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

5 In this case, the Court agrees with Judge Creatura that Anderson failed to fully  
6 disclose his prior litigation history. Although Anderson has referenced his prior lawsuits  
7 in his objections and supplements, this information was not before Judge Creatura in the  
8 first instance. The Court declines to consider Anderson's subsequent disclosure and  
9 explanation. Based on the information that was submitted to Judge Creatura, the Court  
10 agrees with Judge Creatura's recommendation. Therefore, the Court adopts the report  
11 and recommendation and denies Anderson's motion without prejudice.

12 The Court remands the matter for further proceedings. Anderson is hereby  
13 advised that he is not precluded from filing another motion to proceed *in forma pauperis*  
14 and **must** fully disclose all information that is requested in the form motion and form  
15 complaint. Failure to do so may result in **dismissal** of the proposed complaint for failure  
16 to follow an explicit order of the Court.

17 **IT IS SO ORDERED.**

18 Dated this 16th day of July, 2015.

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21 BENJAMIN H. SETTLE  
22 United States District Judge